

**SUPREME COURT MINUTES
FRIDAY, JANUARY 27, 2006
SAN FRANCISCO, CALIFORNIA**

S033149

PEOPLE v. WEAVER (LATWON R.)
Extension of time granted

to April 3, 2006, to file appellant's opening brief. The court anticipates that after that date, only three further extensions totaling about 155 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S046848

PEOPLE v. DALTON (KERRY LYN)
Extension of time granted

to April 3, 2006, to file appellant's opening brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing that brief by June 1, 2006.

S051342

PEOPLE v. CUNNINGHAM (JOHN)
Extension of time granted

Good cause appearing, and based upon counsel Brian A. Pori's representation that he anticipates filing the appellant's opening brief by September 1, 2006, counsel's request for an extension of time in which file that brief is granted to February 28, 2006. After that date, only three further extensions totaling about 180 additional days are contemplated. Appellant's application for relief from default for failure to file appellant's opening brief or a timely motion for extension of time is granted.

S054372

PEOPLE v. ERVINE (DENNIS N.)

Extension of time granted

to April 3, 2006, to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon Deputy State Public Defender Douglas Ward's representation that he anticipates filing that brief by May 1, 2006.

S055528

PEOPLE v. BARNWELL (LAMAR)

Extension of time granted

to March 28, 2006, to file appellant's reply brief. Based upon counsel Assistant State Public Defender Jessica K. McGuire's representation that she anticipates filing that brief by March 28, 2006. After that date, no further extension will be granted.

S064733

PEOPLE v. ABEL (JOHN C.)

Extension of time granted

to March 28, 2006, to file appellant's opening brief. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon Deputy State Public Defender Kate Johnston's representation that she anticipates filing that brief by July 2006.

S065233

PEOPLE v. SMITH (FLOYD)

Extension of time granted

to April 4, 2006, to file appellant's opening brief. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon Deputy State Public Defender Jamilla Moore's representation that she anticipates filing that brief by August 2006.

S070250

PEOPLE v. JOHNSON (MICHAEL)

Extension of time granted

to February 27, 2006, to file appellant's opening brief. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon counsel Anthony J. Dain's representation that he anticipates filing that brief by June 26, 2006.

S075136

PEOPLE v. COVARRUBIAS (DANIEL S.)

Extension of time granted

to March 23, 2006, to file appellant's opening brief.

S075727

PEOPLE v. JOHNSON (CEDRIC JEROME)

Extension of time granted

to April 3, 2006, to file appellant's opening brief. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing that brief by October 2, 2006.

S076175

PEOPLE v. LOY (ELOY)

Extension of time granted

to April 3, 2006, to file appellant's opening brief. After that date, only two further extensions totaling about 90 additional days will be granted. Extension is granted based upon Senior Deputy State Public Defender Marianne D. Bachers' representation that she anticipates filing that brief by July 5, 2006.

S076337

PEOPLE v. CHARLES (EDWARD)

Extension of time granted

to April 7, 2006, to request correction of the record. After that date, only one further extension totaling about 68 additional days is contemplated. Extension is granted based upon counsel R. Clayton Seaman, Jr.'s representation that he anticipates filing that motion by June 15, 2006. Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S122097

NAVARETTE (MARTIN) ON H.C.

Extension of time granted

to February 27, 2006, to file the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General James William Bilderback II's representation that he anticipates filing that document by February 25, 2006.

S136461

COLLINS (SCOTT) ON H.C.

Extension of time granted

to March 27, 2006, to file the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General Theresa A. Patterson's representation that she anticipates filing that document by March 25, 2006.

S136687

COOK III (WALTER) ON H.C.

Extension of time granted

to March 28, 2006, to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about eight additional days will be granted. Extension is granted based upon Deputy Attorney General Aileen Bunney's representation that she anticipates filing that document by June 20, 2006.

S138130
C043392 Third Appellate District

ROSS (GARY) v. RAGINGWIRE
TELECOMMUNICATIONS, INC.
Extension of time granted

Appellant's time to serve and file the opening
brief on the merits is extended to
February 7, 2006.

S140411
B161305 Second Appellate District,
Division One

DISCOVER BANK v. S.C. (BOEHR)
Extension of time granted

Petitioner's time to serve and file the answer to
petition for review is extended to
February 20, 2006.

S058092

PEOPLE v. HARRIS (MAURICE)
Order appointing Habeas Corpus Resource Center filed

Upon request of condemned prisoner Maurice
Lydell Harris for appointment of counsel, the
Habeas Corpus Resource Center is hereby
appointed to represent Maurice Lydell Harris for
habeas corpus/executive clemency proceedings
related to the above automatic appeal now final
in this court. Any "petition for writ of habeas
corpus will be presumed to be filed without
substantial delay if it is filed . . . within 36
months" of this date (Supreme Court Policies
Regarding Cases Arising From Judgments of
Death, policy 3, timeliness std. 1-1.1), and it will
be presumed that any successive petition filed
within that period is justified or excused (see *In
re Clark* (1993) 5 Cal.4th 750, 774-782), in light
of this court's delay in appointing habeas
corpus/executive clemency counsel on behalf of
condemned prisoner Maurice Lydell Harris.

S135734

RULE 962 SUSPENSION
Order filed

JUAN M. FALCON, #177400, was listed by the
State Department of Social Services as being in
arrears in payment of support obligations. He

later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **JUAN M. FALCON**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after March 2, 2006. IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto; IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S139571

D046070 Fourth Appellate District,
D046719 Division One

J. (T.) IN RE
Order filed

The order filed on January 18, 2006, denying the petition for review, is amended to read reflected above.

S140594

7-ELEVEN, INC. v. DEPARTMENT OF ALCOHOLIC
BEVERAGE CONTROL
Transferred to CA 2

S140611

7 ELEVEN, INC. v. DEPARTMENT OF ALCOHOLIC
BEVERAGE COTROL (JOLLY)
Transferred to CA 2

S104922**DERVAES ON DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **R. SCOTT DERVAES, JR., A.K.A. R. SCOTT DERVAES II, State Bar No. 202133**, must be actually suspended from the practice of law for three years and until respondent has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Credit toward the period of actual suspension is given for the period of involuntary inactive enrollment which commenced on October 22, 2005, (Business & Professions Code § 6007(d)(3)). Respondent is ordered to attend and pass Ethics School within one year after the effective date of this order as recommended by the Hearing Department of the State Bar Court in its order filed on October 17, 2005. Costs are awarded to the State Bar in accordance with Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.

Bar Misc. 4186**IN THE MATTER OF THE APPLICATION OF THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA FOR ADMISSION OF ATTORNEYS**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ATTACHED LIST OF NAMES IN THE ORIGINAL ORDER.)